

BROMBERG LAW OFFICE, P.C.

Brian L. Bromberg (Admitted in NY, NJ & CA)
Joshua Tarrant-Windt, Associate (Admitted in NY)

26 Broadway, 27th Floor
New York, NY 10004
Phone: (212) 248-7906
Fax: (212) 248-7908

June 1, 2020

Via ECF

Honorable Philip M. Halpern, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Stephenson v. Exclusive Motor-Sports LLC, et al.*
Southern District of New York, Case No. 20-CV-1332 (PMH)

Dear Judge Halpern:

My office represents the plaintiff Dana Stephenson in the above-referenced case. We write to respectfully request leave to file an amended complaint, attached hereto with exhibits as Exhibit 1, under Fed. R. Civ. P. 15(a)(2). A redlined version of the Amended Complaint is attached hereto as Exhibit 2.

The parties have exchanged the first round of pre-motion letters as per Rule 4.C.ii of Your Honor's Individual Practices. Plaintiff has amended the complaint to address a number of the issues raised by those letters and to prevent unnecessary motion practice. Specifically, Plaintiff has added allegations to bolster Counts III and VII and has removed the reference to emotional distress in Count VII.

Under Fed. R. Civ. P. 15(a)(2), “[t]he court should freely give leave [to amend] when justice so requires.” *See Forman v. Davis*, 371 U.S. 178 (1962) (“Rule 15(a) declares that leave to amend ‘[s]hall be freely given when justice so requires’; this mandate is to be heeded”). Here, there is no prejudice to Defendants because discovery has not yet begun and Plaintiff is not adding any new claims. Inasmuch as the issues raised in this letter-motion are settled law and comply with the procedures set forth in Your Honor’s Individual Practices, Plaintiff requests that the Court forgo the requirement of a formal motion and memorandum in support.

Respectfully,

/s/ Joshua Tarrant-Windt

Joshua Tarrant-Windt

cc: All Counsel of Record (Via ECF)